

Message Text

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ACTION OES-09

INFO OCT-01 AF-10 ARA-14 EA-12 EUR-12 NEA-10 ISO-00
ACDA-12 CIAE-00 INR-10 IO-14 L-03 NSAE-00 NSC-05
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USIAEA

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E.O. 11652: N/A
TAGS: AORG, OCON, IAEA, TECH
SUBJECT: IAEA BOARD OF GOVERNORS - EXCLUSION OF
SMALL QUANTITIES OF NUCLEAR MATERIAL FROM APPLICATION
OF VIENNA CONVENTION ON CIVIL LIABILITY

1. AGENCY HAS ISSUED DOCUMENT GOV/1913 CONCERNING
EXCLUSION OF SMALL QUANTITIES OF NUCLEAR MATERIAL
FROM THE APPLICATION OF THE VIENNA CONVENTION ON
CIVIL LIABILITY FOR NUCLEAR DAMAGE, COPIES OF WHICH
ARE BEING SENT TO WASHINGTON VIA NORMAL DISTRIBUTION.
THE LATTER CONVENTION PROVIDES THAT A CONTRACTING
PARTY WITHIN WHOSE TERRITORY A NUCLEAR INSTALLATION
IS SITUATED OR BY WHICH OR UNDER THE AUTHORITY OF
WHICH THAT INSTALLATION IS OPERATED MAY, IF THE SMALL
EXTENT OF THE RISKS INVOLVED SO WARRANTS, EXCLUDE ANY
SMALL QUANTITIES OF NUCLEAR MATERIAL FROM THE
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APPLICATION OF THE CONVENTION, PROVIDED THAT (A)
MAXIMUM LIMITS FOR THE EXCLUSION OF SUCH QUANTITIES
HAVE BEEN ESTABLISHED BY THE BOARD OF GOVERNORS OF THE
AGENCY, AND (B) ANY EXCLUSION BY A CONTRACTING PARTY
IS WITHIN SUCH ESTABLISHED LIMITS.

2. THE BOARD ADOPTED A RESOLUTION IN SEPTEMBER 1964

(SEE GOV/DEC/37(VII), NUMBER 61)EXCLUDING CERTAIN
NUCLEAR MATERIALS FROM THE APPLICATION OF THE
CONVENTION UNDER CERTAIN CIRCUMSTANCES, IN ACCORDANCE
WITH THE FOREGOING PROVISION.

3. SINCE THE ADOPTION OF THAT RESOLUTION, THE AGENCY'S
TRANSPORT REGULATIONS HAVE BEEN REVISED TO SUCH AN
EXTENT THAT SOME PROVISIONS OF THE ANNEX TO THE BOARD'S
RESOLUTION OF 1964 ARE NO LONGER COMPATIBLE WITH THOSE
REGULATIONS. ACCORDINGLY, AT A MEETING OF THE
STANDING COMMITTEE ON CIVIL LIABILITY FOR NUCLEAR
DAMAGE (ESTABLISHED BY THE BOARD IN SEPTEMBER 1963)
HELD IN VIENNA IN JANUARY 1978, IT WAS AGREED TO
RECOMMEND TO THE BOARD A DRAFT RESOLUTION TO REPLACE
THE BOARD'S EARLIER RESOLUTION ON THE SUBJECT.
(SIMILAR ACTION WAS TAKEN IN OCTOBER 1977 BY THE OECD/
NEA STEERING COMMITTEE WITH RESPECT TO THE CONVENTION
ON THIRD PARTY LIABILITY IN THE FIELD OF NUCLEAR
ENERGY). APPROVAL OF A NEW DRAFT RESOLUTION BY THE
BOARD WOULD THUS INSURE CONTINUED HARMONIZATION
BETWEEN THE PARIS CONVENTION AND THE VIENNA
CONVENTION WITH RESPECT TO THE ESTABLISHMENT OF
MAXIMUM LIMITS FOR THE EXCLUSION OF SMALL QUANTITIES
FROM THE APPLICATION OF BOTH CONVENTIONS IN TAKING
INTO ACCOUNT THE CURRENTLY APPLICABLE EDITION OF THE
AGENCY'S TRANSPORT REGULATIONS.

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4. IN VIEW OF THE FOREGOING, THE DIRECTOR GENERAL
RECOMMENDS THAT THE BOARD ADOPT A RESOLUTION, WHICH
IS ATTACHED AS AN APPENDIX TO GOV/1913.

5. SUBJECT TO DETAILED EXAMINATION BY DEPARTMENT
LEGAL EXPERTS, MISSION RECOMMENDS THAT U.S. DEL BE
AUTHORIZED TO SUPPORT APPROVAL OF THE RESOLUTION AS
REQUESTED BY THE DIRECTOR GENERAL AT THE
SEPTEMBER 14/15 BOARD MEETING. KIRK

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Message Attributes

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Draft Date: 18 aug 1978
Decaption Date: 01 jan 1960
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